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Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 27 October 2004 from the Permanent Mission of the Republic of Angola to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Republic of Angola to the United Nations presents its compliments to the Chairman of the Committee established pursuant to resolution 1540 (2004) and, with reference to the latter's note verbale dated 21 June 2004, has the honour to transmit herewith the national report of the Republic of Angola submitted in accordance with paragraph 4 of Security Council resolution 1540 (2004) (see annex).

04-59387 (E) 141204

Annex to the note verbale dated 27 October 2004 from the Permanent Mission of the Republic of Angola to the United Nations addressed to the Chairman of the Committee

National report of the Republic of Angola on measures taken in implementation of Security Council resolution 1540 (2004)

The Permanent Mission of the Republic of Angola to the United Nations presents its compliments to the Secretariat of 1540 Committee Security Council established pursuant to resolution 1540 (2004) and, with reference to the letter's note verbal ref. nr. SCA/10/04/(02) dated 21 June 2004, has the honor to transmit thereafter the national report of the Republic of Angola submitted in accordance with the paragraph 4 of the Security Council Resolution 1540 (2004).

"**Operative Paragraph 1 of Security Council Resolution 1540** *Decides that* all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery"

The Republic of Angola does not provide any form of support to non state actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery.

Operative Paragraph 2 of Security Council Resolution 1540 " *Decides also* that all States, in accordance with their national procedures, shall adopt and enforce appropriate effective laws which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them"

As it was mentioned in reports timely submitted to CTC and 1267 Committee, the Republic of Angola has taken some legislative measures in order to prevent the commission of terrorist acts; to prevent those who finance, plan, facilitate or commit terrorist acts from using their respective territories for those purposes against other States or their citizens; to ensure that any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in supporting terrorist acts is brought to justice and ensure that, in addition to any other measures against them, such terrorist acts are established as serious criminal offences in domestic laws and regulations and that the punishment duly reflects the seriousness of such terrorist acts; and to refrain from providing any form of support, active or passive, to entities or persons involved in terrorist acts, including by suppressing recruitment of members of terrorist groups and eliminating the supply of weapons to terrorists;

Articles 263, 282 and 283 of the Angolan Penal Law appear to adequately meet the requirements mentioned at the beginning of this sub-paragraph.

In effect, the Angolan Criminal Code does not include an explicit definition of a terrorist act, however, articles 263 e 282 of the Penal Law pertaining to Associations of Malefactors, article 283, pertaining to unauthorized Associations and Secret Associations; and article 19, pertaining to rebellions, article 20, pertaining to armed rebellions, riots or outbreaks, article 21, pertaining to sabotage, article 22, pertaining to illegal weapons and explosives, article 27, pertaining to instigation, provocation and fomentation of crimes against State Security, article 28, pertaining to the punishment for preparatory acts, and article 29, pertaining to conjuration, appear to adequately meet some requirements mentioned in the resolution 1540

In general terms, as it appears in the Penal Code, a terrorist organization could be defined as any group acting in coordination, and seeking to:

- Jeopardize national integrity;
- Subvert the functioning of State institutions provided for under the constitution;

It could also be defined as practicing individual acts of terrorism anyone who, acting with the purposes mentioned above, commits crimes:

- against the life or physical integrity of a person; deliberately creates a common danger through fire, dissemination of radioactive substances or toxic gases;
- sabotage;
- carries out actions which imply the usage of nuclear energy, firearms, explosive substances or devices.

Without damage of what has been said before, it seems important to us that equal consideration be given to article 1 of the Angolan penal code, pertaining to the concept of crime; article 8, pertaining to the forms of emergence of the crime; article 19, 20, 21, 22 and 23, pertaining to the agents of the crime, its authors, accomplices and collaborators; article 53, pertaining to the application of penal law, and which, given its importance, we transcribed it:

"In the absence of treaties to the contrary, the penal law is applicable to:

1.º – All infractions committed on Angolan territory, regardless of the nationality of the infractor;

2.º – All crimes committed on board of an Angolan ship in the sea; on board of an Angolan war ship at a foreign port, or on board of an Angolan commercial ship at a foreign port, provided that only the crew has been involved in the crime and the tranquility at the port has not been disturbed;

3.º – All crimes committed by an Angolan citizen against the internal or external security of a foreign State, or of falsification of public seals, of Angolan currency, of public credit documents, of notes from the national bank, or from companies or businesses legally authorized to issue such notes, provided that the infractors have been subjected to a legal trial in the country where they committed the crime;

4.º – All foreigners who commit any of the above-mentioned crimes and who enter Angolan territory, or whose surrender can be obtained;

5.º – Any crimes or infractions committed by Angolans on foreign territory, provided that the following conditions are present:

a) The criminal or infractor is found in Angola;

b) The legislation of the country where the crime was committed also classifies such an action as a crime or infraction;

c) The criminal or delinquent has not been subject to trial in the country where the crime or infraction was committed.

§ 1.º – Infractions committed on board of a foreign war ship in Angolan sea space, or at an Angolan port, or on board of a foreign commercial ship are exceptions to the rule stated in n.º1, provided that they happen solely among the crew and no disturbances are felt at the port.

§ 2.º – When only correctional penalties are applicable to the infractions mentioned in n.º5, the Ministry of Public Affairs will not promote the trial of the process in question without there being a charge pressed by plaintiff parties, or without the official involvement of the authorities in the country where the infractions were committed.

§ 3.º – Should it occurs that a criminal or delinquent convicted for crimes or infractions referred to in n.º 3 and 5 fails to observe any penalties imposed whether partially or totally, a new process shall be initialized and appreciated by the Angolan courts, who, upon trying the crime or offense will decree the corresponding penalty in our legislation, taking into account any penalties the defendant may have undergone related to the crime.

Operative **Paragraph 3 of Security Council Resolution 1540** Decides *also* that all States shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery, including by establishing appropriate controls over related materials and to this end shall:

(a) Develop and maintain appropriate effective measures to account for and secure such items in production, use, storage or transport;

(b) Develop and maintain appropriate effective physical protection measures;

(c) Develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary, the illicit trafficking and brokering in such items in accordance with their national legal authorities and legislation and consistent with international law;

"(d) Establish, develop, review and maintain appropriate effective national export and trans-shipment controls over such items, including appropriate laws and regulations to control export, transit, trans-shipment and re-export and controls on providing funds and services related to such export and trans-shipment such as financing, and transporting that would contribute to proliferation, as well as establishing end-user controls; and establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations;

Comments on these topics should be viewed in the same context as referred in OP. 2.

Furthermore, the Criminal Code in its article 22 with regard crimes against external state security, foresees the punishment of whoever promotes or establishes a terrorist group, adheres thereto or supports it, we quote, "whoever engages in unauthorized manufacturing, purchase, transfer, sale, transportation, possession or introduction in the country of chemical material, substances or devices, shall be condemned to 8-12 years of confinement."

The Angolan criminal legislation also punishes other criminal acts generally associated with terrorist activities, such as:

- Crimes of piracy, covered by article 15 of the law on crimes against state security;
- Violent or fraudulent acquisition of ships or aircraft for terrorist objectives;
- The usurpation of the command of national ships or aircrafts, or of ships or aircrafts freighted by a national enterprise;
- Crimes of sabotage;
- Offenses and other crimes against foreign governors and diplomats;

Besides the dispositions of the penal code herein, it is important to mention several government initiatives that contribute to the suppressing of recruitment to terrorist groups and to the elimination of the supply of weapons to terrorists, such as the signature of the Convention of Palermo, whose ratification process is under consideration in the terms of the Law on International Treaties.

There is also the active participation in the negotiation of the SADC Protocol on the control of firearms, ammunition and other related materials, and the adoption of law 19/92 on the safety of private companies, adopted by the National Assembly.

With regard to the item (d) particularly, "Establish, develop, review and maintain appropriate effective national export and trans-shipment controls over such items, including appropriate laws and regulations to control export, transit, trans-shipment and re-export and controls on providing funds and services related to such export and trans-shipment such as financing, and transporting that would contribute to proliferation, as well as establishing end-user controls; and establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations" ,it is important to convey that the activities of national security are carried out according to the terms of penal procedural law and of decrees establishing the organization and functioning of services of public information and of organs and internal services of the Republic of Angola.

As already mentioned, the financing of terrorism and/or of terrorist acts in general, are referred in articles 263 (Associations of Malefactors), 282 (Illicit Organizations), 283 (Secret Associations) as well as by articles 349 and 350 of the Penal Law, which refer to crimes against the security of the people. Thus, terrorist acts are perceived as crimes that endanger national security.

The enforcement of national security goals, services and organs is integrated in the national security system:

- They produce information intended to support security policies and protection of human life, integrity and dignity;
- They safeguard the public tranquility as well as the constitutional order; and,
- They produce information intended for the general prevention and special protection against terrorism.

In short, the mechanisms of the National System for Internal Security involve all security forces, intervention and special operations groups, criminal investigation, immigration services, maritime and aeronautical authorities and customs departments.

Regarding the international level, the exchange of information is made within the framework of the multilateral and bilateral engagements undertaken by the Republic of Angola, as well as in the strengthening of the cooperation with international and regional organizations, and through information networks such as INTERPOL.

The Republic of Angola has adhered to the International Organization of Criminal Police – INTERPOL – during the 51st session of the General Assembly, from October 5th to 12th, 1982, in Spain.

The Republic of Angola also develops in the framework of its relations with other countries, at the multilateral and bilateral levels, a systematic action in terms of reinforcing the international cooperation on terrorism being the Declaration of the CPLP on the fight against international terrorism (October 31, 2001) demonstrative of its clear engagement.

Operative Paragraph 7 of Security Council Resolution 1540 "*Recognizes* that some States may require assistance in implementing the provisions of this resolution within their territories and invites States in a position to do so to offer assistance as appropriate in response to specific requests to the States lacking the legal and regulatory infrastructure, implementation experience and/or resources for fulfilling the above provisions"

Due to the need to improve and make the measures more adequate and efficient towards the implementation of Security Council resolution 1540, the Government of Angola has been carrying out a study in order to identify sectors requiring technical assistance.

Preliminary steps were also undertaken to facilitate the promotion of the international instruments such as, Non-Proliferation Treaty. Comprehensive Nuclear-Test-Ban Treaty, Biological and Toxin weapons Convention, and Chemical Weapons Convention, as well as the Pelindaba treaty related the African nuclear-weapon-free Zone.

Recognizing that international cooperation provides the foundation upon which countries can strengthen their capacities to implement the already-mentioned Conventions, as soon as it is required, the Republic of Angola will consider the appropriate way (in) (to) deal with the need of technical assistance as referred to

Operative Paragraph 8 of Security Council Resolution 1540 "Calls *upon* all States:

(a) To promote the universal adoption and full implementation, and, where necessary, strengthening of multilateral treaties to which they are parties, whose aim is to prevent the proliferation of nuclear, biological or chemical weapons;

(b) To adopt national rules and regulations, where it has not yet been done, to ensure compliance with their commitments under the key multilateral non-proliferation treaties;

(c) To renew and fulfill their commitment to multilateral cooperation, in particular within the framework of the International Atomic Energy Agency, the Organization for the Prohibition of Chemical Weapons and the Biological and Toxin Weapons Convention, as important means of pursuing and achieving their common objectives in the area of non-proliferation and of promoting international cooperation for peaceful purposes;

(d) To develop appropriate ways to work with and inform industry and the public regarding their obligations under such laws", and **Operative Paragraph 10 of Security Council Resolution 1540** "Further to counter that threat, *calls upon* all States, in accordance with their national legal authorities and legislation and consistent with international law, to take cooperative action to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery, and related material."

As a party to, the Nuclear Non-Proliferation Treaty the obligations in this treaty is fully enacted in legal national framework.

The Government of the Republic of Angola stresses the fundamental importance of full compliance with the provisions of the Treaty and in the IAEA safeguards agreements. In this context, it reiterates its conviction that IAEA safeguards system provides a mechanism to ensure that States comply with their Treaty obligations.

While (Since) it promotes further confidence; help to strengthen international security and play a key role in preventing the proliferation of nuclear weapons and other nuclear explosive devices, the possibility for signing safeguards agreements with IAEA is under consideration.

The Republic of Angola is also one of those 169 countries that have signed the Comprehensive Nuclear-Test-Ban Treaty (CTBT).

By signing the Comprehensive Nuclear-Test-Ban Treaty, the Republic of Angola has reaffirmed therefore its strong determination to enhance international peace and security throughout the world and stressed the importance of all these treaties as a systematic and progressive effort towards nuclear disarmament and nuclear non-proliferation, since it is an integral part of our global efforts to achieve international security for all, free from the threat of weapons of mass destructions.

Convinced of the need to go further in achieving the ultimate goal of a world entirely free of nuclear weapons, as well as of the obligations of all States to contribute to this end, the Republic Angola has signed the Pelindaba treaty related the African nuclear-weapon-free Zone.

In view of the Republic of Angola, it constitutes an important step towards strengthening the non-proliferation regime, promoting cooperation in the peaceful uses of nuclear energy, promoting general and complete disarmament and enhancing regional and international peace and security.

Finally, it should be noted that Angola recognizes that international cooperation provides the foundation upon which countries can strengthen their capacities to implement the already-mentioned Conventions".

The Permanent Mission of the Republic of Angola to the United Nations avails itself of this opportunity to renew to the Secretariat of the 1540 Committee the assurances of its highest consideration.

October 28, 2004

SECRETARIAT OF THE 1540 COMMITTEE OF THE UNITED NATIONS SECURITY COUNCIL.
NEW YORK

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Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 27 October 2004 from the Permanent Mission of Denmark to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Denmark to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004) and has, with reference to the latter's note verbale dated 21 June 2004, the honour to submit Denmark's national report in accordance with paragraph 4 of resolution 1540 (2004), with a view to participating actively in ensuring global implementation of the resolution (see annex).

04-59411 (E) 141204

Annex to the note verbale dated 27 October 2004 from the Permanent Mission of Denmark to the United Nations addressed to the Chairman of the Committee

Report by the Government of Denmark. Drafted in accordance with United Nations Security Council Resolution 1540

Submitted to United Nations in New York, 28th of October 2004

Operative Paragraph 1
Decides that all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery;

Denmark does not provide any form of support to non-state actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery.

Operative Paragraph 2
Decides also that all States, in accordance with their national procedures, shall adopt and enforce appropriate effective laws which prohibit any non-state actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them;

Manufacture and development of nuclear, chemical and biological weapons and their means of delivery
Manufacture and development of nuclear, chemical and biological weapons and their means of delivery is – depending on the form of weapon in question, cf. the definitions below – regulated in the following provisions of the War Equipment Act and the Weapons Act:

According to the War Equipment Act, Section 2, Subsection 1, cf. Section 1, Subsection 1, it is prohibited without a license from the Minister of Justice to manufacture
- *"Equipment designed for military use and having no civilian application".*
- *"Components and parts that are designed to be used in equipment, etc., as specified above and which have no civilian application".*

According to the Weapons Act, Section 1, Subsection 1, no. 4, it is prohibited without a license from the Minister of Justice to manufacture *"hand grenades, bombs, cartridges and similar objects appearing to be weapons or ammunition, which contain or are designed to contain solid substances,*

liquids or gases which, upon dispersion, cause injury, stun or irritate, and parts of such weapons or ammunition objects, together with equipment to operate them".

According to the Weapons Act, Section 5, it is prohibited without a license from the Minister of Justice to manufacture or develop *"solid substances, liquids or gases which, upon dispersion, have the effect of causing injury, stunning or irritating".*

Violation of the mentioned provisions in the War Equipment Act and the Weapons Act is a criminal offence.

Acquirement, possession, transfer and use of nuclear, chemical and biological weapons and their means of delivery

Acquirement, possession, transfer and use of nuclear, chemical and biological weapons and their means of delivery is – depending on the form of weapon in question, cf. the definitions below – regulated in the following provisions of the Weapons Act:

According to the Weapons Act, Section 1, Subsection 1, no. 4, cf. Section 2, Subsection 1, it is prohibited without a license from the Minister of Justice to acquire, posses or use *"hand grenades, bombs, cartridges and similar objects appearing to be weapons or ammunition, which contain or are designed to contain solid substances, liquids or gases which, upon dispersion, cause injury, stun or irritate, and parts of such weapons or ammunition objects, together with equipment to operate them".* Furthermore, according to the Weapons Act, Section 4, Subsection 3, cf. the Order on Weapons and Explosives Etc., Section 15, it is prohibited to possess or use "chemical weapons".

According to the Weapons Act, Section 2, Subsection 2, cf. the Order of Weapons and Explosives etc., Section 16, Subsection 1, it is prohibited to transfer ("convey or hand over") *"hand grenades, bombs, cartridges and similar objects appearing to be weapons or ammunition, which contain or are designed to contain solid substances, liquids or gases which, upon dispersion, cause injury, stun or irritate, and parts of such weapons or ammunition objects, together with equipment to operate them"* unless the person acquiring or receiving them produces the necessary licence and identifies himself as the licensee.

It should be noted that the above mentioned provisions, including the legal possibility of issuing licences, is administrated in accordance with the Treaty on the Non-proliferation of Nuclear Weapons (NPT), the Biological and Toxin Weapons Convention (BTWC) and the Convention on the Prohibition of Chemical Weapons (CWC). Thus, licences for nuclear, chemical and biological weapons can not be granted.

Violation of the mentioned provisions in the Weapons Act and the Order on Weapons and Explosives is a criminal offence.

Transportation of nuclear, chemical and biological weapons and their means of delivery

According to the Weapons Act, Section 7 a, cf the Order on Transportation of Weapons etc. between Third Countries, it is prohibited to transport *weapons (of any kind) and war equipment* to countries covered by a UN, EU or OSCE arms embargo. Furthermore, it is prohibited to transport weapons and war equipment between third countries if the competent authorities in these countries have not issued the necessary export and import licenses according to national legislation in these countries.

Violation of Section 7 a of the Weapons Act and the provisions of the Order on Transportation of Weapons etc. between Third Countries is a criminal offence. Furthermore, any transportation of weapons with the purpose of terrorism is a criminal offence according to the Criminal Code, Section 114, Subsection 1, cf. Subsection 2.

Attempt and complicity
Attempt to commit an offence is generally criminalized in the Criminal Code, Sections 21-22.

Complicity in the commission of an offence is generally criminalized in the Criminal Code, Section 23. In addition to this, special provisions on complicity concerning terrorism are listed in the Criminal Code, Sections 114 a and 114 b, cf. below.

Special provisions in the Criminal Code concerning weapons and terrorism
According to the Criminal Code, Section 114, Subsection 1, any person who, by acting with the intent to frighten a population to a serious degree or to unlawfully coerce Danish or foreign public authorities or an international organisation to carry out or omit to carry out an act or to destabilize or destroy a country's or an international organisation's fundamental political, constitutional, financial or social structures, commits gross weapons law violations pursuant to inter alia the Criminal Code, Section 192 a, cf. below, when the act due to its nature or the context, in which it is committed, can inflict serious damage on a country or an international organisation, shall be guilty of terrorism and liable to imprisonment for any term extending to life imprisonment. According to Section 114, Subsection 2, similar punishment shall apply to any person who, with the in Subsection 1 mentioned intent, among other things transports weapons. According to Section 114, Subsection 3, similar punishment shall further apply to any person who, with the intent mentioned in Subsection 1, threatens to commit one of the acts mentioned in Subsections 1 and 2.

The Criminal Code, Section 192 a, concerns any person who, in contravention of the legislation on weapons and explosives, imports, produces, owns, carries, uses, or transfers weapons or explosives which because of their highly dangerous character are suitable in causing significant damage, or any person who, in contravention of the legislation on weapons and explosives, develops or for the purpose hereof carries out research in solids, liquids, or gasses, which by diffusion have harmful, anaesthetizing or irritating effects.

According to Section 114 a, any person who
1) directly or indirectly provides financial support to;
2) directly or indirectly procures or collects means to; or
3) directly or indirectly places money, other assets or financial or other similar means at the disposal of;
a person, a group or an association, which commits or intends to commit acts of terrorism as included under Section 114 of this Act, shall be liable to imprisonment for any term not exceeding ten years.

According to Section 114 b, any person who otherwise by instigation, advice or action contributes to advance the criminal activity or the common purpose of a group or an association, which commits one or more acts included under Section 114 or Section 114 a, No. 1) or 2) of this Act, when the activity or the purpose involves that one or more acts of this nature is committed, shall be liable to imprisonment for any term not exceeding six years.

Finance
As Denmark is a member of the EU, reference is made to the EU Common Report that will be transmitted to the UNSC 1540 Special Committee separately. This EU Report covers areas of EU and Community competences and activities in relation to UNSC Resolution 1540 and should be read in conjunction with this national report.

Ongoing/Planned action:
Generally, Danish legislation already complies with the requirements of paragraph 2. However, not every aspect of this paragraph is explicitly covered by the above mentioned Danish provisions. Consequently, Denmark will make a further review of the weapons legislation in the light of resolution 1540 in order to establish any necessary amendments and, if necessary, introduce a bill to the Parliament before the end of 2005.

Operative Paragraph 3
Decides also that all States shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery, including by establishing appropriate controls over related materials and to this end shall;

(a) Develop and maintain appropriate effective measures to account for and secure such items in production, use, storage or transport

(b) Develop and maintain appropriate effective physical protection measures

Nuclear, chemical and biological weapons
Denmark does not posses nuclear, chemical or biological weapons.

Nuclear/Radioactive materials:
According to Act no. 94 of 31 March 1953 on the Use etc. of Radioactive Materials, production, importation, possessing etc. of radioactive materials are subject to prior authorization by the National Institute of Radiation Hygiene under the National Board of Health. The National Institute of Radiation Hygiene is empowered to issue detailed legislation regarding production, importation, use, storage, transport, disposal etc. of such materials and to inspect all holders of authorizations and locations, where radioactive materials are or could be present.

Ongoing/Planned action:
Denmark is actively supporting international efforts to prepare the amendment of the Convention on Physical Protection of Nuclear Materials (CPPNM).

Chemical weapons/materials
All obligations following the Danish ratification of the Chemical Weapons Convention (CWC) are fully enacted in Danish law in Act no. 443 of 14 June 1994 (with later changes) about inspections, declarations and control according to the CWC, as well as in secondary legislation (Executive Order no. 235 of 30 March 2004). The implementation legislation comprises the transfer obligations for trade in scheduled chemicals, including the obligation not to transfer to or receive Schedule 2 chemicals from non-States Parties.

Furthermore, Denmark has established a detailed reporting system whereby producers, processors, consumers, importers and exporters of chemicals listed in the Convention's schedules of chemicals

provide relevant information to the Danish National Authority (the Agency for Enterprise and Construction), which is then collated and transmitted to the OPCW. The OPCW undertake inspections to verify the information provided and are given access to people, places and data in accordance with Denmark's obligations under the CWC.

Biological materials:
In accordance with the Danish Medicines Law no. 656 of 28 July 1995, Section 8, medicinal products must not be manufactured, imported, exported, stored, sold, supplied, dispensed, or packed without an authorization from The Danish Medicines Agency. In accordance with the same law, Section 9, The Danish Medicines Agency inspects facilities, which hold an authorization in accordance with Section 8. Such inspection relates to the content, composition, quality and storage of medicinal products and the conditions under which medicinal products are manufactured, sold or delivered.

On presentation of appropriate identification and without a court order, the representatives of The Danish Medicines Agency have access to the facilities. The Danish Medicines Agency may take or demand samples of medicinal products or substances, which are used for their manufacture. It may require all information necessary for its inspection.

(c) Develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary, the illicit trafficking and brokering in such items in accordance with their national legal authorities and legislation and consistent with international law;

The Danish Customs Code (law nr. 765 from 05.07.2004); European Community Customs Code (EC2913/92); gives Customs officers the power to demand information in relation to goods imported or exported. Where there are grounds to believe that a declaration as to the ultimate destination of the goods is false, the goods may be detained and ultimately forfeited.

The Danish Customs Code also gives Customs officers the power to stop and search vehicles or vessels to check if they are carrying prohibited goods.

The European Community Customs Code (EC2913/92) grants Customs authorities the power to examine goods and take samples for the purpose of verifying a customs declaration.

(d) Establish, develop, review and maintain appropriate effective national export and trans-shipment controls over such items, including appropriate laws and regulations to control export, transit, trans-shipment and re-export and controls on providing funds and services related to such export and trans-shipment such as financing, and transporting that would contribute to proliferation, as well as establishing end-user controls; and establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations;

Nuclear, chemical and biological weapons and their means of delivery
According to the Weapons Act, Section 6, it is prohibited without a license from the Minister of Justice to export *weapons (of any kind) and war equipment*. "Export" in the meaning of the Weapons Act covers any transfer of items from Denmark to another country no matter if the transfer takes place in connection with export, transit, trans-shipment or re-export. Violation of Section 6 of the Weapons Act is a criminal offence.

A person providing funds and services in connection with export of weapons and war equipment in violation of Section 6 of the Weapons Act may be punished for complicity, cf. the Criminal Code, Section 23, or – depending on the circumstances – Sections 114 a or 114 b, which are described under the heading of operative paragraph 2.

As regards transportation of weapons and war equipment between third countries, it is prohibited to transport *weapons (of any kind) and war equipment* to countries covered by a UN, EU or OSCE arms embargo, cf. the Weapons Act, Section 7 a, cf. the Order on Transportation of Weapons etc. between Third Countries. Furthermore, it is prohibited to transport weapons and war equipment between third countries if the competent authorities in these countries have not issued the necessary export and import licenses according to national legislation in these countries.

Violation of Section 7 a of the Weapons Act and the provisions of the Order on Transportation of Weapons etc. between Third Countries is a criminal offence.

Furthermore, any transportation of weapons with the purpose of terrorism is a criminal offence according to the Criminal Code, Section 114, Subsection 1, cf. Subsection 2.

Dual-use items

The legal basis for control of dual-use items in Denmark is EU-regulation 1334/2000. Hence, reference is made to the EU Common Report that will be transmitted to the UNSC 1540 Special Committee separately. This EU Report covers areas of EU and Community competences and activities in relation to UNSC Resolution 1540 and should be read in conjunction with this national report.

Through EU-regulation 1334/2000 Denmark controls the export of items listed by the various export control regimes: the Missile Technology Control Regime (MTCR), the Nuclear Suppliers Group (NSG), the Zangger Committee, the Australia Group and the Wassenaar Arrangement.

EU-regulation 1334/2000 is supplemented by national legislation describing the national administration of the regulation, including penal sanctions in case of violation. This act, Act on the application of certain European Communities Acts on economic relations to third countries, (Consolidated Act No 612 of 25th of June 2003), was latest amended in 2003. Following this amendment a licence requirement is now imposed if exporters have grounds for suspecting that certain exports may be related to WMD (1334/2000, art. 4, paragraph 5). This implies end use controls in the sense that export of items not listed in the control list can be denied due to critical circumstances in relation to the export, not only to countries of concern but also when end-users are non-state actors known be related to terrorism.

The maximum penalty for offences related to this act is imprisonment and/or an unlimited fine (Consolidated Act No 612 of 25th of June 2003). In case of aggravating circumstances and when the violation is related to WMD the offence is covered by the Criminal Code, (Consolidated Act No 814 of 30th of September 2003.

Transit/transhipment of dual use items

Reference is made to relevant parts under paragraph 3c and furthermore to the EU Common Report, which will be submitted to the UNSC 1540 Special Committee separately. This EU Report covers

areas of EU and Community competences and activities in relation to UNSC Resolution 1540 and should be read in conjunction with this national report.

Financing related to weapons and dual-use items
The Danish Customs Code (Consolidated act no 765 of 5th of July 2004) gives customs officers, under certain conditions, the power to conduct searches, and to detain cash if it is believed, that it stem from or is intended to be used for a violation of the Criminal Code.

Ongoing/Planned action:
Denmark is at present, as a consequence of Council Joint Action no 401 of 22nd of June 2000, introducing national legislation imposing controls on technical assistance in connection with dual-use goods related to WMD. Furthermore, a committee under The Ministry of Justice is currently drafting new legislation on arms brokering with a view to introducing a bill in the beginning of 2005. The Committee will also consider controls on technical assistance in connection with weapons and war equipment.

Operative Paragraph 5
Decides that none of the obligations set forth in this resolution shall be interpreted so as to conflict with or alter the rights and obligations of State Parties to the Nuclear Non-Proliferation Treaty, the Chemical Weapons Convention and the Biological and Toxin Weapons Convention or alter the responsibilities of the International Atomic Energy Agency or the Organization for the Prohibition of Chemical Weapons;

Denmark has ratified the Nuclear Non-Proliferation Treaty (NPT); the Chemical Weapons Convention (CWC); and the Biological and Toxin Weapons Convention (BTWC). Denmark is member of the IAEA.

Operative Paragraph 6
Recognizes the utility in implementing this resolution of effective national control lists and calls upon all Member States, when necessary, to pursue at the earliest opportunity the development of such lists;

Denmark is a State Party to the Chemical Weapons Convention and applies export controls to listed chemicals. Denmark is also an active member of the multilateral export control regimes: the Nuclear Suppliers' Group, the Zangger Committee, the Australia Group, the Missile Technology Control Regime and the Wassenaar Arrangement. The control lists of these regimes are implemented through the European Union Regulation on control of exports of dual-use items and technology and the Danish Weapons Act.

Denmark strongly supported the decision in all regimes to adapt their guidelines to prevent controlled items from falling into the hands of terrorists and sponsored the corresponding change in the MTCR guidelines.

Ongoing/Planned action:
Denmark urges all states to apply effective export controls similar in scope to the guidelines and control lists adopted by the multilateral export control regimes, and participates in outreach activities to this end. Within the regimes Denmark contributes actively to the regular review and updating of the control lists and supports regime efforts to identify equipment and technologies of particular

relevance to terrorists. In the context of the current national review of arms exports regulations the scope of controls will be considered with respect to the European Union Common Military List and other relevant lists.

Operative Paragraph 7
Recognizes that some States may require assistance in implementing the provisions of this resolution within their territories and invites States in a position to do so to offer assistance as appropriate in response to specific requests to the States lacking the legal and regulatory infrastructure, implementation experience and/or resources for fulfilling the above provisions;

Denmark contributes through the EU to various assistance programs. Bilaterally, Denmark has provided assistance to activities related to chemical weapons destruction, nuclear materials safety and dual-use exports controls.

Denmark acknowledges that some States may require assistance in implementing the provisions of Security Council Resolution 1540 within their territories. Denmark will consider providing assistance either bilaterally or through instruments of the European Union as appropriate.

Operative Paragraph 8
Calls upon all States:
(a) To promote the universal adoption and full implementation, and, where necessary, strengthening of multilateral treaties to which they are parties, whose aim is to prevent the proliferation of nuclear, biological or chemical weapons;

Denmark actively promotes the universal adoption of the main multilateral disarmament and non-proliferation treaties. Denmark has ratified the Comprehensive Nuclear Test-Ban-Treaty (CTBT), and will continue to promote the entry into force of the treaty. Denmark participates in the implementation of the EU Strategy Against the Proliferation of WMD, which was adopted by the European Council in December 2004.

(b) To adopt national rules and regulations, where it has not yet been done, to ensure compliance with their commitments under the key multilateral non-proliferation treaties;

Denmark considers that national and EU-legislation ensures compliance with key multilateral non-proliferation treaties.

(c) To renew and fulfil their commitment to multilateral co-operation, in particular within the framework of the International Atomic Energy Agency, the Organization for the Prohibition of Chemical Weapons and the Biological and Toxin Weapons Convention, as important means of pursuing and achieving their common objectives in the area of non-proliferation and of promoting international co-operation for peaceful purposes;

Denmark continues to support the aims and activities of the IAEA and OPCW. Denmark provides extra-budgetary support for the IAEA Technical Cooperation Fund. During 2003-2004 Denmark served as a member of the IAEA Board of Governors. Denmark is currently preparing the ratification of the IAEA "Convention on Assistance in the Case of an Nuclear Accident or Radiological Emergency".

(d) To develop appropriate ways to work with and inform industry and the public regarding their obligations under such laws;

Action taken:
The Danish government is developing a close working relationship with industry principally through the National Agency for Enterprise and Construction (NAEC), which is part of the Ministry of Economic and Business Affairs, and PET, the Danish Security Intelligence Service. A close cooperation between the authorities and the Confederation of Danish Industries ensures a positive dialogue and awareness among companies about non-proliferation issues.

The Danish government also provides advice and assistance to industry and relevant academic research institutions in meeting their obligations under the various disarmament and non-proliferation legislation. This has been achieved through NAEC's biannual meetings with all interested companies as well as open seminars and visits to individual companies. In addition, PET has intensified information to and meetings with companies as well as representatives from relevant academic research institutions in order to discuss non-proliferation issues and to raise the general level of awareness in this important area.

Regarding companies inspected by the OPCW the NAEC provides a manual for the inspections and all necessary guidance to the companies, including technical assistance.

Relevant information is disseminated mainly through government websites but also through publications and leaflets. Comprehensive information on Danish export controls, including guidance material, can be found on the NAEC's website at www.ebst.dk/eksportkontrol/0/30

As part of the EU's strategy against WMD proliferation, EU Member States are also committed to maintain the dialogue with industry to reinforce awareness of problems related to nuclear, chemical or biological weapons programs, related materials, and their means of delivery.

Ongoing/Planned action:
Denmark is considering what further action may be necessary.

Operative Paragraph 9
Calls upon all States to promote dialogue and cooperation on non-proliferation so as to address the threat posed by proliferation of nuclear, chemical, or biological weapons, and their means of delivery;

Denmark continues to promote dialogue and co-operation on non-proliferation in a range of fora to address the threat posed by proliferation of nuclear, chemical, or biological weapons, and their means of delivery. Denmark joined "The G8 Global Partnership Against the Spread of Weapons and Materials of Mass Destruction" as contributing partner in 2004.

Operative Paragraph 10
Further to counter that threat, calls upon all States, in accordance with their national legal authorities and legislation and consistent with international law, to take cooperative action to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery, and related materials;

Denmark participates in the various law enforcement experts meetings of the proliferation and export control regimes, where trend information is disseminated, case studies shown, lessons learned are discussed and best practices identified.

Furthermore, Denmark participates actively in the Proliferation Security Initiative (PSI) to ensure the prevention, and, when necessary the interdiction of illegal shipment of WMD to states and non-state actors of proliferation concern. Denmark is under the framework of PSI actively promoting cooperation between Governments and the container liner industry to address this issue.

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Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 28 October 2004 from the Permanent Mission of Norway to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Norway to the United Nations presents its compliments to the Chairman of the Committee and has the honour to transmit the attached Norwegian national report on the implementation of resolution 1540 (2004) (see annex).

04-59772 (E) 081204

Annex to the note verbale dated 28 October 2004 from the Permanent Mission of Norway to the United Nations addressed to the Chairman of the Committee

Norwegian national report on the implementation of Security Council resolution 1540 (2004)

1. Norway welcomes the adoption of UN Security Council Resolution 1540 (2004), which addresses the most pressing proliferation challenges of today. The global proliferation of WMD and their means of delivery to states and non-state actors poses a serious threat to international peace and stability. In this context, non-state actors are of particular concern.

2. Norway is committed to the implementation of SCR 1540 and has reviewed a range of legislative and executive measures to ensure compliance with this resolution.

3. Norway reaffirms its strong support for international arms control, disarmament and non-proliferation treaties. Universal adherence to and compliance with these treaties is of great importance. Effective verification mechanisms must also be put into place.

4. Norway is a party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), the Chemical Weapons Convention (CWC), the Biological and Toxin Weapons Convention (BTWC) and the Convention on the Physical Protection of Nuclear Material. Norway has ratified and actively supports an early entry into force of the Comprehensive Test Ban Treaty (CTBT). The provisions of all these treaties have been incorporated into Norwegian law.

5. Norway has signed and implemented a Comprehensive Safeguards Agreement with the International Atomic Energy Agency (IAEA). Norway considers comprehensive safeguards and the Additional Protocol to be an effective and necessary verification instrument. Norway has implemented the Additional Protocol and qualified for the IAEA integrated safeguards, which will usher in a system for verification that is more comprehensive, as well as being more flexible and effective.

6. Norway is an active party to the following multilateral export control regimes: the Missile Technology Control Regime (MTCR), the Nuclear Suppliers Group (NSG), the Zangger Committee, the Australia Group, and the Wassenaar Arrangement. Norway considers these instruments to be very important, particularly since they play a significant role in drawing up agreed control lists and raising international export control standards.

7. Norway is also a signatory to the Hague Code of Conduct against Ballistic Missile Proliferation (HCOC).

8. In the aftermath of 11 September 2001, the multilateral export control regimes have all formally adopted "terrorism clauses" to deny terrorists access to the items that are under

control. There has also been a strong focus on ways to improve awareness of possible attempts by terrorists to procure such items.

9. Norway is actively involved in international co-operation to prevent proliferation of weapons of mass destruction. Norway seeks to co-ordinate its export control practice with that of other countries, including the European Union. Similarly, Norway regularly adheres to arms embargoes adopted by the European Union.

10. Norway has a wide range of legislation in place to prevent the proliferation of weapons of mass destruction. This includes the General Civil Penal Code (1902) (hereinafter referred to as the Penal Code), the Act relating to the the Chemical Weapons Convention (1994) and other relevant legislation as well as supplementary regulations.

11. The Customs Act (1966) and customs regulations (1967) regulate the powers of the customs authorities and provide them with the legal authority to perform their duties at the border or in the customs control zone. Further details on this legislation will be found below.

12. The Ministry of Foreign Affairs is responsible for co-ordinating Norway's implementation of SCR 1540. Several other ministries and government agencies contribute to these efforts within their spheres of responsibility.

13. The Directorate for Customs and Excise and the Police Security Service are the principal enforcement bodies.

14. The customs authorities are responsible for customs control and procedures and for enforcing import and export legislation, including preliminary investigation and surveillance. Any further investigation or prosecution of offences is the responsibility of the police and prosecution authorities.

15. The Police Security Service is responsible for preventing and investigating offences against the legislation on export controls. On the basis of the results of such investigations the Ministry of Foreign Affairs consults with the prosecuting authority to determine formal steps leading to prosecution under the Export Control Act, or under other legislation that provides for more severe penalties.

16. Both the Ministry of Foreign Affairs and the Police Security Service run various activities targeted at exporters and relevant academic institutions to provide information on export controls and encourage compliance. For example, the Police Security Service has established an awareness raising programme that includes regular visits to selected institutions, universities and businesses.

17. States may need technical assistance to comply with the provisions of SCR 1540. Norway is prepared to provide technical and other assistance to support States that lack the legal and

regulatory infrastructure, implementation experience and/or the necessary resources to fulfil their obligations under this resolution.

Comments in relation to the specific issues raised by UNSCR1540:

Operative Paragraph 1

Decides that all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery

Norway is fully committed to preventing any form of support to non-state actors that seek WMD and their means of delivery.

Norwegian law contains a broad range of provisions designed to prevent the proliferation of weapons of mass destruction and their means of delivery. The provisions are explained in further detail below.

Operative Paragraph 2

Decides also that all States, in accordance with their national procedures, shall adopt and enforce appropriate effective laws which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them;

The following Norwegian legislation is relevant here:

- **Section 152 a of the Penal Code makes it an offence to receive, possess, use, transfer, alter, dispose of or distribute any material consisting of or containing plutonium or uranium without lawful permission and thereby cause a risk of damage to any person's body, health, property or living environment. The penalty is imprisonment for a term not exceeding four years. Accomplices are liable to the same penalty.**

- **Section 153 a of the Penal Code makes it an offence to develop, produce, store or otherwise obtain or possess bacteriological or other biological substances and toxins. The penalty is imprisonment for a term not exceeding ten years. Accomplices are liable to the same penalty.**

- **Section 1 of the Act relating to the implementation of the Chemical Weapons Convention makes it an offence to develop, produce, otherwise acquire, stockpile, transfer, etc., chemical weapons in contravention of the Convention. Any person who contravenes the Act or**

regulations issued pursuant thereto, or an accomplice, is liable to imprisonment for a term not exceeding five years.

- **Sections 147a and b of the Penal Code deal with terrorist acts, which may include the acts mentioned in sections 152 a and 153 a, among others. It is a serious criminal offence to commit such acts or to fund them, directly or indirectly.**

- **The Customs Act and Customs Regulations regulate the powers of the customs authorities to investigate illegal imports and seize, destroy or dispose of any illegally imported substance. Anyone who commits a gross violation of these provisions is liable to imprisonment for a term not exceeding six years.**

Operative Paragraph 3

Decides also that all States shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery, including by establishing appropriate controls over related materials and to this end shall:

(a) Develop and maintain appropriate effective measures to account for and secure such items in production, use, storage or transport;

The following legislation has been enacted:

- **Act relating to implementation of the Chemical Weapons Convention.**

- **Act relating to control of communicable diseases (§ 4-4) and Regulations relating to import, transportation and handling of pathogens (§4-§5): these contain provisions on the secure handling and transportation of pathogens.**

- **Act relating to the Prevention of Fire, Explosion and Accidents involving Hazardous Substances and the Fire Services' Duties connected with Rescue Operations: contains provisions on secure storage and records of stocks of chemical substances.**

- **Regulations relating to the physical protection of nuclear materials.**

- **Norway provides regular reports to the Organisation for the Prohibition of Chemical Weapons (OPCW) in accordance with its obligations under the Chemical Weapons Convention. It also provides regular reports including updated information on national legislation under the Biological and Toxin Weapons Convention.**

- **Norway is implementing the recommendations made by the IAEA assessment mission that was invited to Norway in October 2003.**

(b) Develop and maintain appropriate effective physical protection measures;

The legislation and measures mentioned under operative paragraph 3 a) also apply to physical protection measures.

(c) Develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary, the illicit trafficking and brokering in such items in accordance with their national legal authorities and legislation and consistent with international law;

- **The Customs Act makes the customs authorities responsible for ensuring that all transport of goods across the border is in compliance with current legislation, including the restrictions on imports and exports of strategic goods, services and technology, arms, chemicals etc and parts thereof.**

- **The Customs authorities have extensive powers to access, stop and inspect or search any person, vessel, vehicle or goods that enter or leave the customs control zone.**

- **Goods may if appropriate be seized or confiscated. Physical persons may be taken into custody, and such action is not limited to cases where suspicion is beyond reasonable doubt.**

- **Decisions on whether to prosecute offences against the customs legislation are taken by the prosecuting authority. Breaches of the customs provisions are punishable by a maximum of six years of imprisonment.**

- **The Norwegian customs authorities may also take steps to verify the accuracy and authenticity of any document, declaration or information provided according to the Customs Act. Such controls may take place at the premises of any party who is obliged to provide information.**

- **The customs authorities may exercise their legal powers in the contiguous zone adjacent to Norway's territorial waters to the extent necessary to prevent infringement of customs, fiscal, immigration or sanitary legislation, (cf. Section 4 of the Act on Norway's Territorial Sea and Contiguous Zone and Article 33 of the United Nations Convention on the Law of the Sea). According to the Territorial Waters Act, the breadth of Norway's territorial sea is 12 nautical miles measured from the baselines, while the contiguous zone covers the area between 12 and 24 nautical miles measured from the baselines.**

- **The Police Act sets out the tasks of the Norwegian Police Security Service. These include preventing and investigating the proliferation of weapons of mass destruction and equipment, material and technology for the production or use of such weapons (§ 17 b no. 3).**

- **The Regulations relating to the implementation of control of the export of strategic goods, services and technology (Export Control Regulations) include provisions on arms brokering controls. Trading in, negotiating or otherwise assisting in the sale of military goods and technology from one foreign country to another is not permitted for persons resident or staying in Norway or Norwegian companies, foundations and associations without permission from the Ministry of Foreign Affairs.**

(d) Establish, develop, review and maintain appropriate effective national export and trans-shipment controls over such items, including appropriate laws and regulations to control export, transit, trans-shipment and re-export and controls on providing funds and services related to such export and trans-shipment such as financing, and transporting that would contribute to proliferation, as well as establishing end-user controls; and establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations

Norway has established a series of national controls, including:

- **Act relating to control of the export of strategic goods, services, technology, etc. (Export Control Act).**
- **Export Control Regulations.**
- **Guidelines for the Ministry of Foreign Affairs when dealing with applications concerning the export of weapons and military materiel, as well as technology and services for military purposes, drawn up pursuant to the Export Control Act.**
- **Norwegian legislation includes provisions on arms brokering controls; catch-all controls relating to weapons of mass destruction programmes and dual items for military use in destinations where there is a war or threat of war; provisions on technology transfers by any means; and provisions on any services, provided abroad or in Norway for use abroad, that may serve to develop a country's military capability.**
- **The Police Act sets out the tasks of the Norwegian Police Security Service. These include (§ 17b no. 4) preventing and investigating violations of provisions set out in or pursuant to the Export Control Act, the Act on the implementation of binding resolutions in the United Nations Security Council and other similar legislation.**
- **Both the Export Control Act and the Export Control Regulations are being amended in 2004. The amendments to the Act provide the legal authority for Norway to take action with regard to transfers that may facilitate acts of terrorism and introduce controls on brokering of certain sensitive dual use items between two third countries. The amendments to the Regulations will ensure implementation of the new controls in the Act. [As for the provision on brokerage of sensitive items, these will be specified as certain nuclear items as described on the Trigger List. New catch-all controls will also be introduced on transfers of any goods to countries under a UN Security Council, EU or OSCE arms embargo.]**

Operative Paragraph 5

Decides that none of the obligations set forth in this resolution shall be interpreted so as to conflict with or alter the rights and obligations of State Parties to the Nuclear Non-Proliferation Treaty, the Chemical Weapons Convention and the Biological and Toxin Weapons Convention or alter the responsibilities of the International Atomic Energy Agency or the Organization for the Prohibition of Chemical Weapons

In its implementation of this resolution Norway is bound by its rights and obligations as a state party to the Nuclear Non-Proliferation Treaty, the Chemical Weapons Convention and the Biological and Toxin Weapons Convention. Norway is also an active member of the International Atomic Energy Agency and the Organisation for the Prohibition of Chemical Weapons.

Operative Paragraph 6

Recognizes the utility in implementing this resolution of effective national control lists and calls upon all Member States, when necessary, to pursue at the earliest opportunity the development of such lists.

Norway attaches great importance to and is a strong supporter of effective multilateral export control regimes, and is working to raise international standards. Norway is an active member of the Nuclear Suppliers' Group, the Australia Group, the Missile Technology Control Regime, the Zangger Committee, and the Wassenaar Arrangement. Norway maintains and regularly updates detailed national export control lists in accordance with its international obligations.

Norway will continue to raise non-proliferation and export control issues and concerns in appropriate international fora, and will continue the ongoing outreach programme both multilaterally and bilaterally.

Operative Paragraph 7

Recognizes that some States may require assistance in implementing the provisions of this resolution within their territories and invites States in a position to do so to offer assistance as appropriate in response to specific requests to the States lacking the legal and regulatory infrastructure, implementation experience and/or resources for fulfilling the above provisions

- **Norway is prepared on request to provide assistance and share its experience of implementing relevant provisions of SCR 1540, for example with respect to national legislation and regulatory infrastructure.**

- **Norway has for several years been carrying out an active outreach programme under various disarmament, non-proliferation and export control instruments, including visits and**

assistance to a number of countries. These visits have allowed us to address issues connected with effective implementation of non-proliferation and export controls.

- **The G8 Global Partnership against Weapons and Materials of Mass Destruction is a key international non-proliferation instrument. Norway was the first non-G8 country to contribute to the Partnership. Through the Government's Plan of Action for Nuclear Safety Issues, EUR 100 million has been allocated over a ten-year period to the G8 Global Partnership, to increase nuclear safety and reduce proliferation risks. The main focus is on Northwestern Russia.**

- **Norway has contributed USD 90 000 to the IAEA Nuclear Security Fund.**

- **Norway has made significant contributions in support of implementation of the Chemical Weapons Convention, includingUSD 2.5 million for destruction of chemical weapons in the Russian Federation. In addition Norway contributed approximately USD 0.2 million towards implementation of the Chemical Weapons Convention in the Baltic states in 2002-2003. Norway has also provided EUR 0.5 million under the Norway Project (2003-2005) to assist Central Asian countries in implementing Article X of the Chemical Weapons Convention. The project is being carried out in co-operation with the OPCW. Financial support has also been provided for OPCW-sponsored workshops (for example in Latin America) for national implementation of the convention.**

- **Norway has entered into a dialogue with the OPCW with a view to identifying further projects for possible joint implementation. These projects are expected to focus on implementation of Article X (Assistance and Protection) and on implementation of the CWC plans of action for universalisation and national implementation (Article VII).**

- **Norway has provided financial assistance for workshops, seminars and networking to promote implementation of the Biological and Toxin Weapons Convention in Africa and the states of the former Soviet Union.**

- **Norway is in the process of identifying projects, primarily in Central Asia, for possible assistance regarding implementation of the Comprehensive Test Ban Treaty.**

Operative Paragraph 8

Calls upon all States:

(a) To promote the universal adoption and full implementation, and, where necessary, strengthening of multilateral treaties to which they are parties, whose aim is to prevent the proliferation of nuclear, biological or chemical weapons;

Norway strongly advocates that all state parties should adhere to and contribute to the universalisation of multilateral treaties whose aim is to prevent proliferation of nuclear, biological or chemical weapons and their means of delivery.

(b) To adopt national rules and regulations, where it has not yet been done, to ensure compliance with their commitments under the key multilateral non-proliferation treaties;

As mentioned above, Norwegian legislation has been evaluated to ensure that the requirements of operative paragraph 2 have been met. Norway believes that it currently complies with commitments under operative paragraph 2, but will evaluate this on an ongoing basis.

(c) To renew and fulfil their commitment to multilateral cooperation, in particular within the framework of the International Atomic Energy Agency, the Organization for the Prohibition of Chemical Weapons and the Biological and Toxin Weapons Convention, as important means of pursuing and achieving their common objectives in the area of non-proliferation and of promoting international cooperation for peaceful purposes;

- **Norway strongly supports bilateral and multilateral initiatives and co-operation to prevent the proliferation of WMD.**

- **Norway actively supports the work of the Organisation for the Prohibition of Chemical Weapons as a state party and as a current member of the Executive Council, through technical assistance provided in collaboration with the OPCW (ref. OP 7) and through national implementation of the Convention.**

- **Norway is a state party to the Biological and Toxin Weapons Convention and is involved in multilateral efforts to strengthen the convention. Norwegian experts play an active role in the deliberations under the Convention.**

- **A safeguards agreement between the IAEA and Norway was concluded on 1 March 1972. The Additional Protocol entered into force on 16 May 2000.**

- **In Norway's view, the Convention on the Physical Protection of Nuclear Material is a key instrument. Norway calls for full universalisation of this Convention, and recognises the need to adapt the Convention in order to meet new challenges. For this reason, Norway is advocating the convening of a diplomatic conference in accordance with Article 20 of the convention.**

- **Norway strongly supports the recently agreed Code of Conduct on the Safety and Security of Radioactive Sources.**

(d) To develop appropriate ways to work with and inform industry and the public regarding their obligations under such laws;

The Norwegian authorities have established a good dialogue with industry and the public through outreach efforts, workshops and seminars on non-proliferation and export control efforts and the fulfilment of Norway's obligations under the multilateral instruments in the field of non-proliferation and export control.

Through awareness raising programmes directed towards businesses and the academic community, the Norwegian authorities have taken a proactive and preventative approach to preventing the proliferation of weapons of mass destruction.

Operative Paragraph 9

Calls upon all States to promote dialogue and cooperation on non-proliferation so as to address the threat posed by proliferation of nuclear, chemical, or biological weapons, and their means of delivery,

Norway is strongly committed to multilateralism and international co-operation in preventing the proliferation of weapons of mass destruction. Norway promotes dialogue and co-operation on non-proliferation in a range of fora so as to address the threat posed by proliferation of nuclear, chemical, or biological weapons and their means of delivery.

These fora are supplemented by the Proliferation Security Initiative (PSI), the Australia Group, the Nuclear Suppliers' Group (NSG), the Missile Technology Control Regime (MTCR), the Zangger Committee and the Wassenaar Arrangement.

Operative Paragraph 10

Further to counter that threat, calls upon all States, in accordance with their national legal authorities and legislation and consistent with international law, to take cooperative action to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery, and related materials;

- **Norway is a strong supporter of new initiatives and approaches to prevent the proliferation of weapons of mass destruction.**

- **In addition to the traditional export control regimes, Norway has joined the Proliferation Security Initiative (PSI). This is a global initiative designed to stop shipments of weapons of mass destruction and related material and disrupt international proliferation networks. An inter-agency contact group has been established to co-ordinate Norway's participation in the PSI as well as related non-proliferation issues. As a participant in the PSI core group, Norway is involved in various activities, including expert meetings and exercises.**

- **Norway supports the proposed amendments to strengthen the Convention on the Suppression of Unlawful Acts Against Maritime Navigation (SUA).**

- **Norway is prepared to enter into additional multilateral and bilateral arrangements to further strengthen co-operative action to prevent illicit trafficking in weapons of mass destruction.**

***

Norway views the adoption of Security Council Resolution 1540 as a milestone in addressing the proliferation of weapons of mass destruction and the danger that these might fall into the hands of non-state actors.

Norway is fully committed to the implementation of the resolution and intends to evaluate the fulfilment of its obligations on an ongoing basis.

Norway strongly supports the 1540 Committee in its efforts towards global implementation of this resolution. In its work the committee may at any time rely on Norway's full co-operation, and if necessary, its assistance.

Norway may be prepared to support states that may need technical or other assistance in order to implement their obligations under the resolution.